REMARKS

Applicant acknowledges, with appreciation, the allowance of claim 9, and the indication that claims 2-5, 7, 16-18, 21 and 23 contain allowable subject matter. Claims 1-24 are pending, with claims 1, 9, 10 and 22 being the independent claims. No new matter has been added. Reconsideration of the application is respectfully requested.

In the November 10, 2005 Office Action, independent claims 1, 10 and 22, and dependent claims 6, 11, 12 and 20 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,151,771 ("*Brewer*"), while dependent claims 13 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over *Brewer* in view of U.S. Patent No. 6,012,086 ("*Lowell*"). Lastly, dependent claims 5, 19 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over *Brewer* in view of U.S. Patent No. 6,144,691 ("*Kenney*"). For the following reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Independent claim 1 includes the step of "adding recording headers in the audiovisual file on the storage medium, wherein the recording headers are distinct from a datastream of the audiovisual file". Independent claim 10 includes the limitation "means for adding recording headers in the audiovisual file on the storage medium". Independent claim 22 includes the limitation "code for adding recording headers in the MPEG file on the storage medium". *Brewer* fails to teach these limitations.

Brewer relates to an apparatus and methods for rapidly seeking and locating predetermined video frames within a multiplexed audiovisual file (see col. 1, lines 40-43). That is, *Brewer* teaches seeking and accessing the data of a target frame by referencing a file byte off-set (see col. 1, lines 43-45). *Brewer* (Abstract, lines 5-8) teaches that a seeking engine is provided to accurately determine the number of frames in a video file by identifying the last GOP header in the video file, and by then identifying a last video frame in the file. *Brewer* (Abstract, lines 8-12) states, "the last video frame in the file is identified by reading each video frame's picture header (i.e., within the last GOP) and determining which picture header produces a larger temporal reference number". *Brewer* (Abstract, lines 12-16) further states, the "video frame having the largest temporal number is therefore the last video frame in the video file".

The Office Action (pg. 4, ¶ 5) states:

> Brewer discloses a method and apparatus for performing a jump function
> to a desired time point in a digital audiovisual file comprising:

adding recording headers in the audiovisual file on the storage medium,
wherein the recording headers are distinct from a data stream of the audio
visual file (column 3, lines 45-68).

With respect to the foregoing, Applicant respectfully assert that *Brewer* is silent with respect
to the addition of recording headers in an audiovisual file. *Brewer* (col. 3, lines 47-49) states "a
seeking engine of this invention initially determines an estimated position in bytes of the target
frame within an audiovisual file". *Brewer* (col. 3, lines 49-52) teaches that a predetermined number
of seconds in bytes is <u>subtracted</u> from the estimated position to produce an estimated temporal
position once the estimated position has been determined in bytes. This section of *Brewer* fails to
teach the addition of recording headers in an audio visual file as recited in independent claim 1, as
well as the associated means and code of independent claims 10 and 22, respectively.

Brewer (col. 3, lines 52-54) states, the "seeking engine then jumps to the estimate temporal
position that is at least one group of pictures (GOP) header before the target video frame". There is
nothing in this section of *Brewer* that relates to adding recording headers in an audiovisual file as
required by independent claims 1, 10 and 22. *Brewer* teaches the movement to an access point
based on the position of an GOP header in a frame, but there is no insertion of any such header into
any sort of audiovisual file.

Brewer (col. 3, lines 55-56) states, the "seeking engine ... proceeds to any GOP header
lying ahead of the estimated temporal position". *Brewer* (col. 3, lines 56-59) further states, "at each
GOP header, the seeker determines whether a frame number derived from a time code of the current
GOP header is greater than the target frame number". *Brewer* (col. 3, lines 59-62) states, "when the
frame number derived from a time code of the GOP header is greater than the target frame number,
the seeker backs up to a previously read and saved GOP header". *Brewer* (col. 3, lines 64-67)
teaches that the seeker <u>subtracts</u> the frame number derived from the time code of the previous GOP
header from the target frame number to generate a target temporal reference number within the
GOP header to identify the target frame. *Brewer* (col. 4, lines 1-2) finally states, "the seeking
engine now seeks to the target frame by moving to the target temporal reference number". In all of
this, there is nothing to indicate that recording headers are added in audio visual files, as required by
independent claims 1, 10 and 22. Therefore *Brewer* fails to anticipate independent claims 1, 10 and
22 for at least this reason.

Moreover, *Brewer* actually describes the following ideas: cutting out an excerpt from a
video stream (see col. 5 thru col. 10, line 4); seeking a target frame within a video file (col. 10,
line 5 thru col. 13, line 7), determining the number of video frames in a file (col. 13, line 8 thru

col. 15, line 28) and performing an "audio-to-video seek" (see, e.g., col. 15, line 56; and col. 15, line 29 thru col. 18, line 49). Even assuming *arguendo* that *Brewer* disclosed subject matter that is relevant to the invention recited in independent claims 1, 10 and 22, for example, "proceed to a next GOP header (see col. 12, lines 38), *Brewer* would still fail to teach the claimed invention for following reasons. As discussed above, *Brewer* fails to disclose the claimed recording headers. However, *Brewer* fails to teach more than just the claimed recoding headers. For example, *Brewer* (col. 12, line 38) states "proceed to a next GOP header" However, this is only the most simple form of "re-calculating" that is performed. In addition, *Brewer* fails to teach that an "estimated storage position" is recalculated, as recited in independent claims 1, 10 and 22. *Brewer* only teaches that a <u>next GOP header is searched</u>. *Brewer* (col. 3, lines 45 - 68) summaries what is claimed and disclosed therein. However, this summary fails to teach how the estimated storage position is calculated. *Brewer* (col. 14, lines 45 thru 57) refers to Fig. 6(a) and 6(b) and teaches a method for finding the frame with the highest number (e.g., by looking at all frames in the last GOP). However, no "estimated storage position" is calculated here. Applicant respectfully asserts that independent claims 1, 10 and 22 are patentable over *Brewer*, and reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) are respectfully requested.

The Examiner cites *Lowell* in an attempt to cure the shortcomings of *Brewer*, i.e., a storage medium that is non-volatile memory. *Lowell* relates to a system for recording an audio/visual event that is transmitted over the Internet and accessed through a web browser (see col. 2, lines 49-51). *Lowell* (col. 2, lines 60-62) teaches that client computer systems in a network request and receive files or data streams consisting of audio, visual, or audio/visual data. *Lowell* (col. 2, lines 63-67) states, "the steps of accessing, downloading, and manipulating the data, as well as other aspects of the present invention are implemented by a central processing unit (CPU) in a client computer executing sequences of instructions stored in a memory". *Lowell* (col. 2, lines 63-67) further states, "the memory may be a random access memory (RAM), read-only memory (ROM), a persistent store, such as a mass storage device, or any combination of these devices". *Lowell* (col. 8, lines 30-51) teaches the storage of data in memory as a data file, where downloaded files are stored in storage device, such as a hard drive. However, *Lowell* also fails to teach or suggest the addition of recording headers in an audio visual file as recited in independent claim 1, as well as the associated means and code of independent claims 10 and 22, respectively. Accordingly,

Lowell fails to cure the deficiency of *Brewer*, because it fails to teach or suggest what *Brewer* lacks.

The Examiner cites *Kenney* in an attempt to cure further shortcomings of *Brewer*, i.e., the additional steps of determining a number of iterations of steps (c) through (g) that have been previously performed and ending if the determined number of iterations exceeds a predetermined limit. *Kenney* relates to a method and apparatus for synchronizing a receiver to a direct sequence spread spectrum (DS-SS) signal in a telecommunications system (see col. 3, lines 40-43). However, there is nothing in *Kenney* that teaches or suggests the claimed step associated with the recording headers recited in independent method claim 1, as well as the associated means and code of independent claims 10 and 22, respectively. Accordingly, independent claims 1, 10 and 22 are patentable over the combination of *Brewer*, *Lowell* and/or *Kenney* and therefore, withdrawal of all the rejections under 35 U.S.C. §103 is in order, and a notice to that effect is earnestly solicited.

In view of the patentability of independent claims 1, 9, 10 and 22, for the reasons set forth above, dependent claims 2-8, 11-21, 23 and 24 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By _____
Michael C. Stuart
Reg. No. 35,698
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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